

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

Submitted on Brief, December 6, 2006

DEBRA JANE BROOKS v. BOBBIE LEE BROOKS

Direct Appeal from the Circuit Court for Knox County
No. 89991 Hon. Bill Swann, Circuit Judge

No. E2006-00324-COA-R3-CV - FILED JANUARY 25, 2007

Appellant's action to void divorce decree was dismissed by the Trial Judge. On appeal, we affirm.

Tenn. R. App. P.3 Appeal as of Right; Judgment of the Circuit Court Affirmed.

HERSCHEL PICKENS FRANKS, P.J., delivered the opinion of the court, in which CHARLES D. SUSANO, JR., J., and D. MICHAEL SWINEY, J., joined.

Bobbie Lee Brooks, *pro se*.

OPINION

In this declaratory judgment action, Bobbie Lee Brooks asked the Trial Court to void the Divorce Judgment entered *nunc pro tunc* on the 18th day of June, 1976 between him and his former wife, Debra Jane Stinnett Brooks.

The Order in the Trial Court appealed from states in pertinent part:

The two parties were present in open court the 27th of January 2006. They testified, and then argued their positions to the court, from all of which the Court held as follows:

1. The 1975 divorce pronounced by the Honorable George S. Child, Jr., and put of record 18 June 1976 *nunc pro tunc* is in all things valid. The delayed entry of the divorce decree is not of any significance.

2. The recitation of a hearing having been held “in open court” meant at that time, and indeed means even today, that a hearing took place which was not closed to any party. The Court is informed that this was a chambers hearing in 1975.

...

Accordingly, the interesting and well presented arguments brought by Bobby Lee Brooks must be held for naught. The divorce is valid.

On appeal, the appellant pleads *pro se*, that the long delay between hearing the divorce case and entering the divorce decree *nunc pro tunc*, renders the Judgment void but cites no case authority for this proposition.

A court may enter a judgment *nunc pro tunc*, *Hedges, Walsh-Weidken Co., v. Haley*, 55 S.W.2d 775 (Tenn. 1933). “The lapse of time between the announcement of the judgment and the entry of a judgment *nunc pro tunc* is of no importance.” *Windrock Coal & Co., v. Robbins*, 1 Tenn. App. 734 (Tenn. Ct. App. 1926). The foregoing principles apply to divorce cases as well. *See, Rush v. Rush*, 37 S.W.13, 279 (Tenn. 1896).

The issues raised in this appeal have no merit. We affirm the Judgment of the Trial Court and remand, with the cost of the appeal assessed to Bobbie Lee Brooks.

HERSCHEL PICKENS FRANKS, P.J.